



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

WILLIAM HENRY HARRISON,

Plaintiff,

v.

Civil Action No. 3:11cv91

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

**ORDER**

Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge entered herein on May 8, 2012 (Docket No. 19), the PLAINTIFF'S OBJECTIONS TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (Docket No. 25), the DEFENDANT'S RESPONSE TO PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (Docket No. 26), the PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE TO OBJECTIONS TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (Docket No. 28), and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

(1) The PLAINTIFF'S OBJECTIONS TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (Docket No. 25) are overruled;

(2) The REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 19) is adopted on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(3) The PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT FED. R. CIV. P. RULE 56 (Docket No. 10) is denied;

(4) The DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Docket No. 12) is granted; and

(5) The Commissioner's decision is affirmed.

It is further ORDERED that the issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

This Order may be appealed by the plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within sixty (60) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order to the plaintiff.

It is so ORDERED.

/s/ *REP*  
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Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: January *16*, 2014